

REMARKS/ARGUMENTS

The Office Action of December 10, 2007, has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action. All rejections are respectfully traversed.

I. STATUS OF THE CLAIMS

Claims 1-23 are pending in the application.

Claim 11 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-23 are rejected on the grounds of nonstatutory double patenting over claims 1-30 of United States Patent # 7,162,098, Dugan et al., issued January 9, 2007 (Dugan).

II. TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Applicants herein file a terminal disclaimer under 37 C.F.R. § 1.321(c) and include the appropriate large entity fee (\$130) to overcome the double-patenting rejection grounds stated in the Office Action of claims 1-23. Dugan is commonly owned with the present application.

III. REJECTIONS UNDER 35 U.S.C. § 101

On page 2, the Office Action states that dependent claim 11 is rejected as defining a signal with descriptive matter. Applicants have amended dependent claim 11 to clarify the terminology. No new matter has been added.

On pages 3-4, the Office Action states that claims 1-23 are rejected on the ground of nonstatutory double patenting over claims 1-30 of Dugan.

With respect to independent claims 1 and 13, and dependent claims 16 and 17, it is submitted that Dugan and the present application do not claim common subject matter because Dugan does not

claim Applicants' claimed output data of constant magnification. Instead, Dugan states relatively high scan resolution, relatively low amplitude resolution output data.

It is submitted that dependent claims 2 and 3 are patentable at least by virtue of their dependence upon independent claim 1.

With respect to dependent claim 4, it is submitted that Dugan and the present application do not claim common subject matter because Dugan does not claim Applicants' claimed linking the optimal algorithms with the signature. Instead, Dugan states the step of storing said signature linked with said optimal algorithms in a database if said signature linked with said optimal algorithms is not already stored, but does not state the affirmative step of Applicants' claimed linking the optimal algorithms with the signature.

It is submitted that dependent claims 5-12, 14-15, and 18-21 are patentable at least by virtue of their selective dependence upon independent claims 1 and 13.

With respect to independent claim 22, it is submitted that Dugan and the present application do not claim common subject matter because Dugan does not claim Applicants' claimed reflected light amplitude of the output data having a pre-selected second resolution that is lower than the pre-selected first resolution of the reflected light amplitude of a signal source.

It is submitted that dependent claim 23 is patentable at least by virtue of its dependence upon independent claim 22.

IV. CONCLUSION

Claims 1-23 are allowable at least because of the amendments and arguments set forth herein. Further, Applicants file herein a terminal disclaimer to overcome the double patenting rejection.

Applicants authorize the Commissioner for Patents to charge the fee for a terminal disclaimer for a large entity (\$130), and any additional fees or credit overpayment to Deposit Account No. 03-2410, Order No. 12078-187.

Appl. No.: 10/733,705

Non-final Office Action Mailing Date: December 10, 2007

The following information is presented in the event that a call may be deemed desirable by the
Examiner:

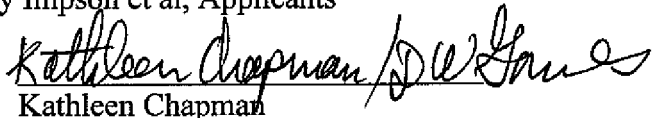
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Respectfully submitted,

Jeremy Impson et al, Applicants

Date: February 6, 2008

By:



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